THE HON'BLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 22925 of 2002

Date: 02.01.2007

Between:

A.D.V. Prasad, S/o Yerkaiah, aged 29 years, R/o Tadepalligudem, West Godawari District and another.

.....PETITIONERS

AND

The A.P. Power Transmission Corporation, rep. by its Director, Vidyut Soudha, Hyderabad and others.

....RESPONDENTS

THE HON'BLE SRI JUSTICE N.V.RAMANA

Writ Petition No. 22925 of 2002

Order:

This writ petition is filed seeking to set aside the impugned memo dated 25.06.2002 of the 2nd respondent, wherein the case of the petitioners for absorption/appointment as Sub-Engineers was rejected on the ground that the Service Certificates produced by them are not genuine, and consequently to direct the respondents-Organization to consider their cases for appointment as Sub-Engineers pursuant to the interview held on 04.06.1998 to fill up 50% of the vacancies earmarked for contract labour in accordance with B.P. Ms. No. 36, dated 18.05.1997, without insisting for the attendance register from the contractor under whom the petitioners have worked.

When the matter is taken up for hearing today, it is submitted by the learned Standing Counsel for the respondents-Organization and admitted to by the learned counsel for the petitioners that the subject matter of this writ petition is squarely covered by the orders of this Court in W.P. No. 17163 of 2002 and batch, dated 24.12.2002, and they both agreed to dispose of the writ petition in terms thereof.

In W.P. No. 17163 of 2002 and batch, dated 24.12.2002, this Court considered similar issue and disposed of the said writ petitions with the following observations.

> "But the Vigilance Inspector came to the opinion that the service certificates issued by the contractors counter signed by the officials of the respondents is not genuine as there is no documentary evidence with regard to the pay rolls,

G.P.F. Rolls, attendance sheet etc. maintained by the contractor. As per the aforesaid circular, such of those petitioners who produced the certificates issued by the contractor counter signed by the respondent officials duly verifying the same with reference to the agreement under which the contract labour engaged as on 18.05.1997 are entitled for consideration even though the contractor has not produced the attendance register, pay rolls, G.P.F. rolls etc. Merely because the contractor has not produced thesaid registers, it cannot be said that the some of the petitioners have not worked as contract labour. It is for the respondent-Board to verify the certificates produced by them with reference to the agreements awarded to the contractors which were verified and counter signed by the officials of the respondents. Therefore, the action of the respondents in simply rejecting the cases of the petitioners based on the vigilance Inspector's report on the ground that the contractor has not produced the aforesaid registers is unreasonable and unsustainable.

Accordingly, the respondents are directed to verify the certificates issued by the contractor and counter signed by the officials of the respondents with reference to the agreements under which particular contract labours are engaged as on 18.05.1997 and consider the cases of the petitioners for appointment in accordance with B.P. Ms. No. 36, dated 18.05.1997 and as per the clarification issued by the Transmission Corporation of A.P. in the aforesaid memorandum dated 03.12.1999 and pass appropriate orders within four weeks from the date of receipt of a copy of this order. Writ Petitions are accordingly disposed of. There shall be no order as to costs."

In the circumstances, this writ petition is also disposed of in terms of the orders passed in W.P. No. 17163 of 2002 and batch, dated 24.12.2002. No costs.

_____

N.V. RAMANA, J.

Date: 02.01.2007
Nsr/Grr